

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GREG COULSTON

VS.

WAL-MART STORES TEXAS, L.L.C.

CIVIL ACTION NO.: 5:20-CV-1443

DEMAND FOR JURY TRIAL

ORIGINAL NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Defendant, **Wal-Mart Stores Texas, LLC**, and pursuant to 28 U.S.C. §1446(a) and §1441(b), files this Original Notice of Removal of the present cause from the 451st Judicial District Court of Kendall County, Texas, in which it is now pending, to the United States District Court for the Western District of Texas, San Antonio Division, and in support thereof would respectfully show the following:

1. Defendant, **Wal-Mart Stores Texas, LLC**, is the sole Defendant, and Greg Coulston is the sole Plaintiff in a lawsuit commenced in the 451st Judicial District Court of Kendall County, Texas, Cause Number 20-581.

2. Plaintiff's Original Petition was filed on November 11, 2020, in 451st Judicial District Court of Kendall County, Texas, bearing the style *Greg Coulston v. Wal-Mart Stores Texas, LLC* and the Cause Number 20-581. A true and correct copy of all process and pleadings in the State cause, including the docket sheet, were attached to and made part of the Index of Exhibits filed contemporaneously.

3. Plaintiff served his Original Petition upon Defendant **Wal-Mart Stores Texas, LLC** via process server on November 25, 2020, through registered agent, CT Corporation. An

answer, in the form of a general denial, was filed in the State court action on behalf of Defendant **Wal-Mart Stores Texas, LLC**.

4. Defendant **Wal-Mart Stores Texas, LLC** is a Delaware limited liability company organized and existing under the laws of the State of Delaware. Its principal place of business is 702 SW 8th Street, Bentonville, Arkansas, 72716-6209.

5. According to the lawsuit, Plaintiff is an individual residing in Kendall County, Texas.

6. No change in the State of formation, organization, incorporation, or the principal place of business of Defendant **Wal-Mart Stores Texas, LLC**, or its respective member, has occurred since the commencement of the lawsuit, and Defendant **Wal-Mart Stores Texas, LLC** knows of no such change in the citizenship of the Plaintiff.

7. The lawsuit is a civil action arising from a dispute pertaining to a slip and fall at a Wal-Mart store located in Boerne, Kendall County, Texas. The claims made include theories of premises liability, negligence, and vicarious liability.

8. By this lawsuit, Plaintiff seeks actual damages over \$200,000.00 but not more than \$1,000,000.

9. The amount in controversy exceeds \$75,000.00.

10. The lawsuit is within the Federal Court's original jurisdiction pursuant to 28 U.S.C. §1332, by reason of the diversity of citizenship of the parties and the amount of controversy.

11. This lawsuit is properly removed to the United States District Court, for the Western District of Texas, San Antonio Division, pursuant to 28 U. S. C. § 1441 and 28 U.S.C. §1446

12. The Original Notice of Removal is timely filed in accordance with 28 U.S.C. §1332(a) and §1441(b), because it is filed within thirty (30) days of the date of Defendant's receipt of the summons and initial pleading and determined the case was removable.

13. Defendant requests a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant **Wal-Mart Stores Texas, LLC** prays that this action be removed from the 451st Judicial District Court of Kendall County, Texas, Cause No. 20-581, to the United States District Court, Western District of Texas, San Antonio Division; that this Court assume jurisdiction of this action; and henceforth, that this action be placed on the docket of this Court for further proceedings, the same as though this action had originally been instituted in this Court.

Respectfully Submitted,

THORNTON BIECHLIN
REYNOLDS & GUERRA, L.C.
100 N.E. Loop 410, Suite 500
San Antonio, TX 78216
Telephone: (210) 342-5555
Facsimile: (210) 525-0666
Email: mstrauss@thorntonfirm.com
kpantuso@thorntonfirm.com

BY /s/ Mary M. Strauss
Mary M. Strauss
State Bar No. 24008099
Kyle P. Pantuso
State Bar No. 24093664
ATTORNEY FOR DEFENDANT
WAL-MART STORES TEXAS, LLC

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument has been properly delivered pursuant to the Federal Rules of Civil Procedure on December 21, 2020 to the following counsel of record:

Steven T. Nguyen
Thomas J. Henry Injury Attorneys
P.O. Box 696025
San Antonio, Texas 78269
snguyen-svc@thomasjhenrylaw.com
Attorneys for Plaintiff

/s/ Mary M. Strauss
Mary M. Strauss